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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Misc. Petition Case No.406 of 1992

PETITIONERS:

1. Rajaram S/o Dhaneshwar, aged about 55 years, by occupation Agriculturist, R/o Village Chhuipali, Tah. Saraipali, District Raipur.

2. Shridhar S/o Hajaru aged about 58 years, by occupation Agriculturist, R/o Village Chhuipali, Tah. Saraipali, District Raipur through the Attorney Bansidhar S/o Hajaru.

3. Upendra Kumar S/o late Tikeshar, aged about 36 years, by occupation Service, R/o Baloda Tah. Saraipali, District Raipur through Attorney Amritlal Bhoi son of late Tikeshar.

4. Balram S/o Dhajaram aged about 27 years, by occupation Agriculturist, R/o Village Chhuipali Tah. Saraipali, District Raipur.

5. Dhajaram S/o Dhaneshwar aged about 50 years, by occupation Agriculturist, R/o Vill. Chuipali, Tah. Saraipali, District Raipur.

6. Rewashanker S/o late Shri Sohanlal aged about 34 years, by occupation Agriculturist R/o Village Saraipali, District Raipur (M.P.).

VERSUS

RESPONDENTS:

1. State of Madhya Pradesh through the Collector, Raipur.

2. Sub-Divisional Officer, Mahasamund, District Raipur.

3. Mahadeo S/o Damru Binjhwar Resident Village Chhudpali, Tahsil Saraipali Distt. Raipur.

4. Anadi son of Pardeshi Binjhwar Resident of chhuipali, Tahsil Saraipali Distt. Raipur.

5. Sadashiv S/o Arjun Gond R/o Village Kotdhwari Tahsil Saraipali Distt. Raipur.

6. Harihar S/o Nakul resident of Chhuipali Tahsil Saraipali Distt. Raipur.

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7. Smt. Chamarin Wd/o Ghasiram Resident of Village Chhuipali Tahsil Saraipali Distt. Raipur.

8. Smt. Indra D/o Ramkrishna, Resident of Village Chhuipali Tahsil Saraipali District Raipur.

9. Sadanand Son of Durjan, Resident of Village Chhuipali Tahsil Saraipali District Raipur.

10. Smt. Kaushalya D/o Gorango Resident of Village Chhuipali Tahsil Saraipali District Raipur.

11. Murli, son of Jungi Resident of Village Salhabhalai Tahsil Saraipali District Raipur.

Petition under Articles 226/227 of the Constitution of India

Present: Shri L.C. Das, counsel for the petitioners.
Shri Sanjay S. Agrawal, Govt. Adv. for the State/ respondents No. 1 & 2.
None for other respondents.

ORAL ORDER
(Passed on 13th June, 2007)

This petition is directed against the order dated 09-03-1990 passed by Sub-Divisional Officer, Mahasamund, District Raipur. Admittedly, it is case of the petitioners that the impugned order is an appellable order. I could have relegated the petitioners to the appellate Court, however, since the matter is as old as of 1992, I have proceeded to hear the matter on its own merits.

The record has been verified. Respondent No.5 is no more. However, counsel for the petitioner has not moved any application for deleting the name of respondent No.5.

Facts of the case are that the petitioners had purchased agricultural land from Adivasis. According to the petitioners permission was sought from the Collector, Raipur and the same was accorded. However, petitioners failed to comply with the provisions of Section 170-B (1) of the Chhattisgarh Land Revenue Code, 1959 (for short, "the Code"). In these circumstances, a

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suo motu notice was issued by the SDO, Mahasamund. The petitioners have also filed their reply to the said notice.

Learned counsel for the petitioners submits that no opportunity was given to them to adduce evidence, therefore, the order is bad in law and it is liable to be set aside. However, the impugned orders clearly indicate that evidence of the petitioners was recorded in which they admitted that they could not give necessary information as required under the Code. Therefore, in these circumstances, it can not be said that the evidence was not adduced, or no opportunity was given to the petitioners. Though the petitioners have paid the consideration for the purchase of land, but, since the provisions of law were not complied with by the petitioners, the SDO has rightly passed the order for returning the land to the Adivasis. Accordingly, no interference is warranted under Article 226 of the Constitution with the impugned order. The petition is dismissed.

Sd/-
Ag. Chief Justice

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